

COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

E L

vs.

WOODS SERVICES

NO. 2018-04552

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Bucks County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: MICHAEL D. SHAFFER, Esq., ID: 60191

Self-Represented (Pro Se) Litigant ☐

Class Action Suit ☐ Yes ☒ No

MDJ Appeal ☐ Yes ☒ No

Money Damages Requested ☒

Commencement of Action:

Amount in Controversy:

Complaint

More than \$50,000

Case Type and Code

Tort:

Other

Other: NEGLIGENCE - ASSAULT AND BATTERY

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Bucks

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

E.L. and C.L., as png of J.L., minor

Lead Defendant's Name:

Woods Services

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits
(check one)

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Michael D. Shaffer, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☒ Other:
Negligence/Assault & Battery

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

Updated 1/1/2011

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

SHAFFER & GAIER, LLC

BY: Michael D. Shaffer, Esquire

Michael H. Gaier, Esquire

Identification No. 60191/50210

8 Penn Center

1628 JFK Boulevard - Suite 400

Philadelphia, PA 19103

(215)751-0100

Attorneys for Plaintiffs

E.L. and C.L., parents and natural
guardians of J.L., minor
c/o SHAFFER & GAIER, LLC
1628 JFK Blvd., Ste. 400
Philadelphia, Pa 19103,
Plaintiffs,

vs.

Woods Services
40 Martin Gross Drive
Langhorne, Pa 19047,
Defendant.

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY
CIVIL ACTION - LAW

NO.

COMPLAINT IN CIVIL ACTION

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that, if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in this Complaint or for any other relief requested by the plaintiff.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

BUCKS COUNTY BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
18 E. Court Street
Doylestown, Pennsylvania 18901
(888) 991-9922

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla las con las todas provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIAMENTE. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por teléfono a la oficina cuya dirección se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

ASOCIACIÓN DE LICENCIADOS DE BUCKS COUNTY
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
18 E. Court Street
Doylestown, Pa 18901
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Philadelphia, PA 19103
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Attorneys for Plaintiffs

E.L. and C.L., parents and natural	:	IN THE COURT OF COMMON PLEAS
guardians of J.L., minor	:	OF BUCKS COUNTY
c/o SHAFFER & GAIER, LLC	:	CIVIL ACTION – LAW
1628 JFK Blvd., Ste. 400	:	
Philadelphia, Pa 19103,	:	
Plaintiffs,	:	
	:	
vs.	:	NO.
	:	
Woods Services	:	
40 Martin Gross Drive	:	
Langhorne, Pa 19047,	:	
Defendant.	:	

COMPLAINT IN CIVIL ACTION

Plaintiffs, E.L. and C.L., are the parents and natural guardians of J.L., an incapacitated person, by and through their attorneys, Michael D. Shaffer, Esquire and Michael H. Gaier, Esquire, allege as follows:

1. Plaintiffs, E.L. and C.L., are the parents and natural guardians of J.L., who has been declared an incapacitated person. They are adult citizens and resident of the Commonwealth of Pennsylvania. They both can be contacted through their counsel, Michael D. Shaffer, Esquire and Michael H. Gaier, Esquire, at 1628 JFK Blvd., Ste. 400, Philadelphia, Pa 19103.

2. Plaintiff, J.L., has been declared an incapacitated person and is a dependent of her

parents, E.L. and C.L., and is a citizen and resident of the Commonwealth of Pennsylvania. She can be contacted through her counsel, Michael D. Shaffer, Esquire and Michael H. Gaier, Esquire, at 1628 JFK Blvd., Ste. 400, Philadelphia, Pa 19103.

3. Defendant, Woods Services, is a private residential facility located at 40 Martin Gross Drive, Langhorne, Pa 19047.

4. Woods Services is a 501(c)(3) non-profit multi-service population health management and advocacy organization that provides health, education, housing, workforce, behavioral health and case management services to more than 4,000 children and adults in the intellectual and developmental disability, child welfare, behavioral and brain trauma public health sectors.

5. Woods Services is in the business of providing support services for individuals with developmental and intellectual disabilities.

6. Prior to her admission at Woods Services, J.L. had been diagnosed with autism, bipolar disorder and depressive disorder.

7. Woods Services advertised and promoted itself as being able to handle and treat persons such as J.L. who have this type of condition and diagnosis.

8. Woods Services accepts insurance compensation and benefits for services it provides and therefore has a pecuniary interest in servicing clients such as J.L.

9. On or about January 18, 2017, J.L. was assaulted by an agent/employee of Woods Services.

10. More specifically, on January 18, 2017, J.L. was sitting on her desk and an agent/employee pushed J.L. off the desk causing injury and cuts to her face. Specifically, J.L. sustained a nasal/facial fracture when the Defendant's agent/employee forcibly removed her from the desk.

11. On or about February 10, 2018, J.L. remained a resident at the Woods facility.

12. As part of the Woods program, they promoted and ran a Valentine's Day Dance on its campus.

13. Woods facility is a co-ed facility and has boys and girls at its facility.

14. In addition to having females who have cognitive and behavioral issues and problems, Woods also has young adult males who have cognitive and behavioral issues and problems.

15. Woods knew that some of the boys and girls who may attend the dance were sexually active but also cognitively impaired.

16. J.L. who was declared incompetent by a Court does not have the ability to consent to sexual intercourse and Woods knew or should have been aware of that fact.

17. Despite having knowledge that some of its residents were sexually active and cognitively impaired, Woods did nothing to ensure that residents such as J.L. were properly supervised to ensure that improper and unwanted sexual activity did not occur at the Valentine's Day Dance.

18. On or about February 10, 2018, two boys who have the aforesaid behavioral and cognitive issues took J.L. into a bathroom and sexually assaulted her by having repeated vaginal intercourse with J.L. Due to her diminished mental capacity, J.L. did not have the ability, factually or legally, to consent to sexual relations with these boys.

19. J.L. was taken to Aria Hospital where she was diagnosed with vaginal tearing and bruises as a result of the sexual intercourse by these two individuals.

20. After her discharge from Aria, J.L. was instructed to follow up with gynecologist and Woods was supposed to ensure that this follow up occurred. However, Woods never made the arrangements to have the necessary follow up.

21. Bucks County Sex Crimes investigated the incident and has an ongoing investigation into this incident.

**COUNT I
ASSAULT AND BATTERY**

22. Plaintiffs incorporate the prior paragraphs as if set forth in full herein.

23. Woods, by and through its agents, employees and servants assaulted and battered J.L. causing certain injuries. Namely, an agent/employee of Woods removed J.L. from her desk causing certain personal injuries including a facial fracture.

24. The assault and battery caused J.L. to incur serious and permanent personal injuries.

25. As a result of Defendant's conduct, Plaintiff has been and may in the future be prevented from attending to those usual and customary wants, duties, toils, labors, occupations and avocations in which Plaintiff previously engaged, thereby foregoing the pleasures and emoluments attendant thereto, all to Plaintiff's great detriment and loss.

26. As a result of the Defendant's conduct, Plaintiff has been and may in the future be required to expend various sums of monies for medical care and treatment in an endeavor to affect a treatment and cure of the aforesaid injuries and such other items of expense which have been incurred or which will be incurred and ascertained in the future, all to Plaintiff's great detriment and loss.

27. As a result of the Defendant's conduct, Plaintiff has suffered severe physical and emotional pain, mental anguish, emotional distress and humiliation and may continue to so suffer for an indefinite time into the future, all to Plaintiff's great detriment and loss.

28. As a result of the Defendant's conduct, Plaintiff has been and may in the future be required to expend various sums of monies for such other items of expense which either have been incurred but have not as yet been documented or which are to be incurred and ascertained

in the future, as well as loss of income and earning capacity, and various and sundry other losses and expenses, all to Plaintiff's great detriment and loss.

29. The conduct of the Defendant, as stated herein, was willful, wanton and malicious and in conscious disregard to the rights of the Plaintiff, allowing Plaintiff to recover and receive punitive damages from Defendant.

WHEREFORE, Plaintiffs demand judgment against Defendant, Woods Services, for compensatory damages, punitive damages, costs and any other relief the Court deems appropriate under the circumstances, in an amount in excess of the limits of Arbitration

COUNT II NEGLIGENCE

30. Plaintiffs incorporate the prior paragraphs as if set forth in full herein.

31. The Defendant was negligent, careless and unreasonable in performance of their duties in the following respects:

- a) failure to provide adequate supervision to J.L. including, but not limited to, allowing J.L. to be assaulted and battered by an agent, employee, servant of Defendant;
- b) failure to comply with the needs of J.L. while she was a resident of Woods;
- c) failure to have in their employ individuals who possess adequate skill and training to properly interact with and supervise J.L.;
- d) failure to establish proper protocol to ensure that residents such as J.L. receive appropriate care and treatment;
- e) employing an individual who physically assaulted and battered the Plaintiff;
- f) failing to conduct background checks on its employees and/or not conducting them in a reasonable manner;
- g) failing to supervise its employees and allowing an assault such as this to occur;

- h) failing to provide proper supervision at its facility causing J.L. to have sexual intercourse where she did have the ability, factually and legally, to consent to the aforesaid sexual intercourse;
- i) failing to provide security at the Valentine's Day Dance causing J.L. to be sexually assaulted by two boys;
- j) allowing the male students who sexually assaulted J.L. to attend the Valentine's Day Dance when Defendant knew or should have known that these male students posed a threat to people such as J.L.;
- k) failing to take the necessary precautions to ensure that J.L. was not sexually assaulted;
- l) failing to post a guard or other supervisor at or near the bathroom where the sexual assault occurred;
- m) failing to establish proper protocols to ensure that resident such as J.L. are not sexually assaulted while at the facility;
- n) failing to have the necessary safeguards to ensure that J.L. was safe at its facility.

32. As a result of Defendant's negligence and carelessness, Plaintiff has been and may in the future be prevented from attending to those usual and customary wants, duties, toils, labors, occupations and avocations in which Plaintiff previously engaged, thereby foregoing the pleasures and emoluments attendant thereto, all to Plaintiff's great detriment and loss.

33. As a result of the Defendant's negligence and carelessness, Plaintiff has been and may in the future be required to expend various sums of monies for medical care and treatment in an endeavor to affect a treatment and cure of the aforesaid injuries and such other items of expense which have been incurred or which will be incurred and ascertained in the future, all to Plaintiff's great detriment and loss.

34. As a result of the Defendant's negligence and carelessness, Plaintiff has suffered severe physical and emotional pain, mental anguish and humiliation and may continue to so suffer for an indefinite time into the future, all to Plaintiff's great detriment and loss.

35. As a result of the Defendant's negligence and carelessness, Plaintiff has been and may in the future be required to expend various sums of monies for such other items of expense which either have been incurred but have not as yet been documented or which are to be incurred and ascertained in the future, as well as loss of income and earning capacity, and various and sundry other losses and expenses, all to Plaintiff's great detriment and loss.

36. The conduct of the Defendant, as stated herein, was willful, wanton and malicious and in conscious disregard to the rights of the Plaintiff, allowing Plaintiff to recover and receive punitive damages from Defendant.

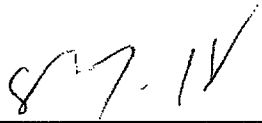
WHEREFORE, Plaintiffs demand judgment against Defendant, Woods Services, for compensatory damages, punitive damages, costs and any other relief the Court deems appropriate under the circumstances, in an amount in excess of the limits of Arbitration.

SHAFFER & GAIER, LLC

BY: _____

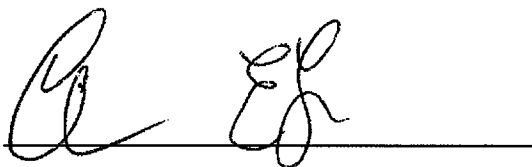

MICHAEL D. SHAFFER, ESQUIRE
Attorney for Plaintiffs

Date: _____



VERIFICATION

I hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa.C.S. §4904, which relates to unsworn falsification to authorities.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a cursive 'ER', is written over a horizontal line.